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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 SHAVONDA HAWKINS, on behalf of
12 herself and all others similarly situated,
13 Plaintiff,
14 v.
15 THE KROGER COMPANY,
16 Defendant.

Case No.: 15cv2320 JM(AHG)


ORDER ON MOTION TO SEAL

17 On December 4, 2020, Plaintiff filed a motion to file an unredacted version of the
18 Declaration of Gregory S. Weston in support of Plaintiff's Opposition to Kroger's Motion
19 for Judgment ("Weston Declaration") along with several attached exhibits under seal
20 because it contains a document designated by Kroger as "confidential." (Doc. No. 288.)

21 In support of the motion, Plaintiff contends that although it is her view that there is
22 nothing in the documents that qualifies for sealing, Defendant is requesting the documents
23 be sealed as they contain information designated by Kroger as "confidential." The
24 document Kroger has designated as confidential is a product specification sheet for Kroger
25 Breadcrumbs dated March 13, 2015. Plaintiff asserts that: "Kroger contends this document
26 is properly sealed because it contains sensitive competitive business information." (Doc.
27 No. 288-1 at 2.)
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Once protected discovery documents are made part of a dispositive motion, “they lose their status of being raw fruits of discovery” and no longer enjoy protected status without some overriding interests in favor of keeping the material confidential. *Foltz v. State Farm Mut. Auto. Ins. Co.* 331 F.3d 1122, 1136 (9th Cir. 2003). Having reviewed the exhibit in question, the court does not find compelling reasons to file the product specification sheet under seal on the broad ground set forth.

IT IS SO ORDERED.


Hon. Jeffrey T. Miller
United States District Judge